

## **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

### **Amendments to the Specification**

The Abstract is being amended to incorporate formula I as requested by the Office. Applicants thank the Office for the helpful suggestion. Applicants submit that no new matter has been added and therefore request its entry.

### **Claim Status**

Claims 1-8, 12, 15-16, and 29 are pending.

Claims 9-11, 13-14, 17-18, 21-22, 25, and 27-28 stand withdrawn.

Claims 19-20, 23-24, 26, and 30-31 are canceled.

### **Claim Amendment**

Claim 1 is amended to focus on compounds having a C<sub>2</sub> to C<sub>3</sub> alkylene or C<sub>2</sub> to C<sub>3</sub> alkenylene group for the Q variable. Formula I is also amended to italicize the variables *n* and *q*. This claim is further amended to remove the term “prodrug” and to specify that the claims are directed to geometric isomers and stereoisomers.

Claim 12 is amended to remove the redundant phrase “R<sup>4</sup> is hydrogen.”

Claim 14 is amended to include the term “*n*” at the helpful suggestion of the Office.

Claims 15-22 are amended to include that geometric isomers and stereoisomers.

Applicants submit that no new matter is added by this amendment and therefore entry of the amendments is respectfully requested. Applicants specifically reserve the right to file a continuing application directed to the canceled subject matter.

### **Withdrawn Claims**

Claims 9-11, 13-14, 17-18, 21-22 stand withdrawn as allegedly being directed to non-elected subject matter. Applicants assume that the claims are withdrawn as they do not read on the elected species because these claims do fall within the elected group. Applicants believe that the elected specie is allowable in light of the amendment and the remarks presented below and therefore request that the search and examination be extended to include compounds of the withdrawn claims.

### **Specification**

The Office has requested that the Abstract be amended to include the general chemical formula of the claims. Applicants present this amendment herewith.

### **Claim Objections**

The Office has suggested that Claim 12 be amended to remove the superfluous statement regarding R<sup>4</sup> being hydrogen. The Office has also suggested the word “and” be removed between compounds 20 and 21 in claim 16. Further, the Office has suggested an amendment to claim 29 to employ proper dependent claim format. Still further, the Office has suggested that the term “n” be added to claim 14. Applicants thank the Office for pointing out the discrepancies and have amended the claims accordingly. Applicants believe that the amendments have rendered the claims objections moot.

The Office has also objected to claims 15-16 as containing non-elected subject matter. As stated above, Applicants would appreciate if the Office would extend the search and

examination to include the subject matter. By doing so, Applicants believe that this objection would be moot.

**Claim Rejections under 35 U.S.C. § 112, second paragraph**

Claims 1-8, 12, 19 and 29 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

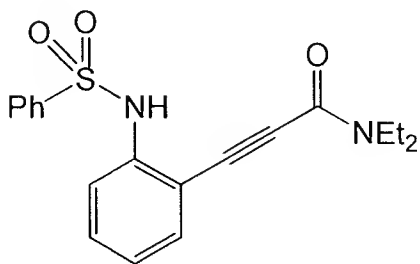
Specifically, the Office has requested what is meant by the term “isomer” and has conceded that the specification has support for geometric isomer and stereoisomer. Applicants have amended the claims to refer specifically to geometric isomers and stereoisomers.

Further, the Office has alleged that the term “prodrug” is indefinite. Without acquiescing, Applicants have removed this term from their claims.

Applicants believe that the amendments presented herewith have obviated the rejections under 35 U.S.C. § 112, second paragraph and therefore Applicants request withdrawal of the rejection.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1, 2, 4-7, 12 and 19 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Johnson et al. *Heterocycles*, 1986, 24, 2127-2131. Specifically, Johnson et al. teach a compound having the following chemical structure:



To anticipate a claim, a single source must contain all of the elements of the claim.  
*Hybritech Inc. v. Monoclonal Antibodies, Inc.* 802 F.2d 1367, 1379 (Fed. Cir. 1986).

Applicants submit that the claims, as currently presented, do not include compounds where Q is an alkynylene group. As such, the compound in Johnson et al. does not contain every element of the claims as the Johnson et al. compound has an alkynylene group at the position equivalent to the current claims “Q” group. Accordingly, Applicants submit that Johnson et al. does not anticipate the currently claimed invention and therefore withdrawal of this rejection is requested.

### **Conclusion**

Applicants believe that the application is now in condition for allowance. A notice to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-4972. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-4972. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-4972.

Respectfully submitted,

Date Dec 3, 2009

By Lorna L. Tanner

SWISS TANNER, P.C.

Customer Number: 88984

Telephone: (650) 305-2699

Facsimile: (650) 949-2065

Lorna L. Tanner

Attorney for Applicant

Registration No. 50,782